

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STACY A. BORJAS,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION
et al.,

Defendants.

23-CV-10829 (AT) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

Plaintiff filed this action, *pro se*, on December 13, 2023, against her former employer, the New York City Department of Education, school Principal Tiawanna Perez, Assistant Principal Victor Garcia, and Superintendent Jacqueline Rosado¹ alleging, *inter alia*, claims of sex and disability discrimination and retaliation for filing grievances, in violation of Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the New York State and New York City Human Rights Laws. (See ECF 1). She further alleges that her former employer violated her rights under the Family and Medical Leave Act by retaliating against her for taking medical leave. *Id.* On January 12, 2024, Judge Swain granted Plaintiff's application to proceed *in forma pauperis*. (ECF Nos. 2 and 3). On March 4, 2024, Judge Torres entered an order of service directing the Clerk of Court to deliver to the U.S. Marshals Service all necessary documents to effect service,² referred this case to the Court's Mediation Program, and referred the case to me for General Pretrial. (ECF Nos. 5–7).

¹ Ms. Rosado is named as a Defendant in Plaintiff's amended complaint. (See ECF 10).

² Summons issued on March 5, 2024, but as of the date of this Order, the U.S. Marshals Service has yet to effect service. (ECF 8).

Plaintiff filed an amended complaint on April 2, 2024 (ECF 10), and a letter on April 11, 2024 (ECF 11), attaching her EEOC right to sue letter and requesting that the Court consider this letter as part of her amended complaint. *Id.* at 2–16. Plaintiff’s motion is **GRANTED**.

Defendants, once served, shall consider ECF 11 as part of Plaintiff’s amended complaint.

ECF 11 further states that Defendant Victor Garcia, who appears as a terminated party on the docket, remains a named Defendant in Plaintiff’s amended complaint. (ECF 10 at 1). The Clerk of Court is respectfully directed to reinstate Defendant Victor Garcia on the docket.

SO ORDERED.

Dated: April 18, 2024
New York, New York

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge